

1869-003 Chancery Causes: Charles Garrison vs. Thomas Collinsworth
Lee Co.

CA - Debt
T - Property

Virginia Lee county Court

To the worshipful Justices of the Lee county Court
in chancery sitting, your orator Charles Garrison
humbly complaining, sheweth to your worships
that on the 7th day of November 1867 he for a consid-
eration agreed on sold to one Thomas Collinsworth
with and put him in possession thereof, a tract
of about 50 acres of Land situate in Lee coun-
ty in the Crab Orchard, adjoining Andrews Wal-
leys & James Dughertys Land. he further
represents said Collinsworth owed him a
balance of the price he agreed to pay for said
land of \$138, for which he made and executed
to your orator his promissory note to which
with his own proper hand he subscribed his name
and delivered it to your orator, By which he
promised & bound himself to pay your
orator the said sum of \$138, by the 1st day of
January, 1868, but for greater certainty said
promissory note is here filed and made a part
of this Bill, marked (A), your orator charges
that he has never conveyed to said Collinsworth
the title to said Land. But the same reposes
in your orator, He further charges that said
Collinsworth has never paid him said sum
of \$138, or any part thereof, He further represents
to your worships that a lien exists in his
favor on said Land to secure the said sum
of \$138, and the interest that has accrued thereon.
But he cannot enforce the same at Law, he is
therefore remediless at the common law, he prays
your worships to take jurisdiction of his cause
and grant him relief, he prays for a decree
enforcing his lien on said Land and to sell

So much thereof as will pay his debt and the
interest due thereon and the costs of this suit
He prays for general relief and all such orders
& decrees as to equity & good conscience may seem
right & proper in the premises. To that End he
makes the said Thomas Collins with a refer-
ence to this Bill, and prays that he may be
compelled to make true & perfect answers
to the same according to the usages of cla-
im practice, and may it please your worship
to grant him the commonwealth's writ of
subpoena against the defendant commanding
he, and as in duty bound he will ever pray &c
Burns P^r

Charles Garrison

vs Bill & Exh
lets

Thomas Collinsworth

1868. Dec. Bill Filed & O. Pub. vs
Deft & Continued

1869. Jan & Feb. Continued

March. Pub. Comp. Decree Nisi

April Decree Nisi & Costs

May Cause set for hearing

May Decree & Costs

June. Costs. July. Costs.

Aug. Costs. Sept. Costs.

Oct dismissed by Jiff

Charles Garrison plf

vs

Thos Colhinsworth def

Decree

This cause came on to be heard on the bill and Exhibits and was argued by counsel, and it appearing to the Satisfaction of the Court that the order of publication herein against the defendant has been duly posted on the Court house door and published in the Abingdon Virginian according to law and the defendant still failing to appear and plead answer, demur or otherwise make defense, the allegations of the Bill are taken as confessed, it is therefore now adjudged decreed & ordered that the defendant pay to the plaintiff on or before the calling of this cause at the next term the sum of \$138.00 with interest thereon after the rate of Six per cent per annum from the 1st day of January, 1868, until paid and the costs of this suit to be taxed by the clerk, Should he fail to make the payment of the sums herein before required at the said time required, then it is further adjudged & decreed that so much of the Land in the Bill mentioned as will satisfy and pay the debt interest & costs aforesaid including five per cent to the commissioner on the aggregate of said sums for making

Said Sale, Be sold at the court house
door in Jonesville on the first day of a
Term of ~~the~~ court to be holden for said
county, on a credit of one year, ~~then~~
~~for~~ as will pay the same, the
purchaser must give bond and app-
roved security for the sum bid to bear
interest from date until paid &
to have the force & effect of a judgment
the said Commissioner herein after
named must make a decree with
covenants of special warranty conveying
to the purchaser all the right title and
interest of the complainant & defendants
to the purchaser, he must before execut-
ing this decree, advertise by written ad-
vertisements posted at three or more
public places in the county one of which
must be posted in the neighbourhood
of where the Land lies and one must
be posted on the court house door
at least 20 days before the day of sale
giving notice of the time place &
terms of the sale, he must report
his acts to this court for its approval
~~H. J. Morgan~~ is appointed a Commissioner
here in to execute this decree & this
cause is continued

Entered
425.

Virginia Lee county, Tennit

Charles Garrison states that Thomas
Collinsworth is not an inhabitant of
this state, he resides in the state of
Kentucky, Novr the 16th 1868

Charles Garrison
brought before me by Charles Garrison
on Novr the 16th 1868,

Henry J. Morgan C. C.

Charles Garrison
vs Zaffarant
Thos Collinsworth.

Virginia,

At Rules held in the Clerk's Office of the County Court
of Lee County, on Monday, the 7th day of December 1868.

Charles Garrison - - - - - Plaintiff

against

Thomas Collinsworth - - - - - Defendant


} In Chancery.

The object of this suit is to recover of the defendant \$138.⁰⁰
with interest from the 1st day of January 1868, and to enforce the
vendor's lien by selling the land in the Bill mentioned for the
payment thereof. And it appearing from an affidavit on file
in the cause that the defendant is a non-resident of this Com-
monwealth, It is ordered that he appear here within one month
after due publication of this order, and do what is necessary
to protect his interest in this suit.

Lester Henry J. Morgan, Clerk.

I do hereby certify that, on Monday, the 21st
day of December 1868, that being Court-Day, I post-
ed at the Door of the Court-house of Lee County, a
copy of the above Order of Publication.

Henry J. Morgan, Clerk
Decr. 21 - 1868.



Charles Garrison

vs. { Order of Publication

Thomas Collinsworth.

By the ~~fourth~~ day of January 1867
next I bind myself to pay to
Charles Hanson one hundred and
and thirty eight dollars for
value received of him this 20th
day of November 1867.

Test Thomas J. Bailey
Andrew J. Bailey

(A)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Thomas Callinsworth*

Justice of Lee County
to appear before the ~~Judge of our Circuit~~ Court for Lee county, at the Court House, in
the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *January* next, to answer a Bill in Chancery exhibited in our said Court
against *him* by *Charles Garrison*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *28th* day of *November* 1868, in
the *93rd* year of the Commonwealth.

Henry J. Morgan Clerk.

20
10
18
30
15
10
10
25
60
6
50
40
40
15
20
20
20

C 429
w 5.00
5.00

40
60

5.29
5.00
5.00

Charles Harrison

(B)

vs { Spain & Co

Thomas Collinsworth

January Rules 1869

Not Executed the defendant
has left the Commonwealth

J W M S L C

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published
four weeks successively, ending January 28th 1869,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *28th*
day of *January*, 1869.

Geo. R Barr,

Jr Ed. "Virginian"

VIRGINIA :—At Rules held in the
Clerk's office of the County Court of Lee
county, on Monday, the 7th day of Decem-
ber, 1868.

Charles Garrison,

Plaintiff,

AGAINST

Thomas Collinsworth,

Def.

IN CHANCERY.

The object of this suit is to recover of the
defendant \$138.00, with interest from the 1st
of January, 1868, and to enforce the vendor's
lien, by selling the land in the bill mention-
ed, for the payment thereof: And it appear-
ing from an affidavit on file in the cause that
the defendant is a non-resident of this Com-
monwealth, it is ordered that he appear here
within one month after due publication of
this order, and do what is necessary to pro-
tect his interest in this suit.

Teste, HENRY J. MORGAN, Clk.

A Copy.—Teste,

HENRY J. MORGAN, Clk.

Dec. 18, 1868—4w